

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 09-28

Introduced by Council President Boniface at the request of the County Executive

Legislative Session Day No. 09-26

Date: September 8, 2009

A BILL to authorize and empower Harford County, Maryland to borrow, on its full faith and credit, and issue and sell its bond, note, or other form of indebtedness therefore, in an amount not to exceed Seventeen Thousand Five Hundred Twenty-Five Dollars (\$17,525.00) principal amount, the proceeds thereof to be used for the erosion protection of the Stuart Terrace Stream, by construction of a stone wall for shore erosion control on land owned by Dennis J. Petty and Helen Petty, and to reimburse the State for the technical and administrative services, pursuant to Subtitle 10 of Title 8 of the Natural Resources Article of the Annotated Code of Maryland, "Shore Erosion Control", in accordance with Section 524 of the Charter of Harford County ("Charter") and Section 123-40 of the Code of Harford County ("Code") or as otherwise permitted by law authorizing the County

By the Council, September 8, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: October 13, 2009
at: 7:00 p.m.

By Order _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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Executive of Harford County, Maryland to execute a loan agreement with the Department of Natural Resources of the State of Maryland that shall provide for the manner by which the indebtedness, without interest, shall be paid, and generally for such other matters as may be deemed appropriate by the County Executive of Harford County, Maryland in connection therewith;

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and otherwise generally relating to the loan from the Shore Erosion Control Construction Loan Fund; providing that such indebtedness shall be issued upon the full faith and credit of Harford County, Maryland;

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at: 7:00 p.m.

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and for the levying of charges, assessments and all taxes necessary to provide payment of the principal on such indebtedness; providing, that the County Executive is further authorized to enter into a Shore Erosion Control Project Agreement with Dennis J. Petty and Helen Petty providing for the loan of an amount not to exceed Seventeen Thousand Eight Hundred Fifty Dollars (\$17,850.00) and payment of the loan, without interest, and generally providing for and determining various matters in connection therewith.

By the Council, September 8, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: October 13, 2009
at: 7:00 p.m.

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____ and concluded on _____.

_____, Council Administrator

EXPLANATION

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

WHEREAS, Dennis J. Petty and Helen Petty (the "Owners") own property in Harford County, Maryland known as 1 Stuart Terrace which is located on a tributary to Bynum Run (the "Property"); and

WHEREAS, the Property has experienced erosion and the Owners wish to borrow the funds loaned to the County by the Department of Natural Resources and utilize the proceeds of such loan for shore erosion control purposes; and

WHEREAS, Harford County, Maryland has made application to the Department of Natural Resources of the State of Maryland pursuant to Subtitle 10 of Title 8 of the Annotated Code of Maryland, "Shore Erosion Control" (the "Act"), and in accordance with Section 524 of the Charter of Harford County ("Charter") to borrow funds in an amount not to exceed \$30,000 and to loan the funds so borrowed to the Owners for shore erosion control purposes, pursuant to the Act.

WHEREAS, the actual cost of the shore erosion control project was approximately \$17,000 plus administrative expenses of \$850.00.

WHEREAS, the County Council of Harford County, Maryland has authority to incur debts on behalf of Harford County, Maryland; and

WHEREAS, it is necessary to provide funds for the construction of a stone wall on the Property to assist in the stabilization of the shoreline.

NOW, THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF THE CHARTER, THE CODE AND THE LAWS OF THE STATE OF MARYLAND:

SECTION 1. Harford County, Maryland (the "County") is authorized to borrow from the State of Maryland, Department of Natural Resources, an amount not to exceed Seventeen Thousand Five Hundred Twenty-Five Dollars (\$17,525.00) (the "Loan") for the purpose of lending the proceeds of the Loan to the Owners to assist in the financing of the construction of all or a portion

1 of a stone wall on the Property owned by the Owners (plus reimbursement of certain administrative
2 expenses), which abuts a tributary to the Bynum Run, in order to stabilize the shore line and to
3 prevent erosion, all pursuant to the Act.

4 SECTION 2. And be it further enacted by the County Council of Harford County,
5 Maryland that the Loan shall be paid over a period not to exceed twenty-five years, without
6 interest, pursuant to a Loan Agreement with the Department of Natural Resources of the State of
7 Maryland, substantially in the form attached hereto as Exhibit A and the County Executive of the
8 County is authorized to execute the Loan Agreement with such changes as may be approved by
9 the County Attorney for Harford County, Maryland.

10 SECTION 3. And be it further enacted by the County Council of Harford County,
11 Maryland that the County shall loan the funds borrowed from the State of Maryland pursuant to
12 the Act to the Owners to enable the Owners to pay certain administrative expenses, reimburse the
13 County for certain administrative expenses and to construct a stone wall on the Property owned
14 by the Owners abutting a tributary to Bynum Run to prevent shore erosion, such Loan Agreement
15 with the Owners to provide for payment over a period not to exceed twenty-five years, without
16 interest, and to be substantially in the form attached hereto as Exhibit B, with such changes as the
17 County Executive may deem appropriate and in the best interests of the County, all such changes
18 to be approved by the County Attorney of the County.

19 SECTION 4. And be it further enacted by the County Council of Harford County,
20 Maryland that it is in the best interest of the County to enter into the Loan Agreements attached
21 hereto as Exhibits A and B and the loans shall be at private negotiated sale and a public sale shall
22 not be required.

SECTION 5. And be it further enacted by the County Council of Harford County, Maryland that the primary source of funds to repay the Loan from the Department of Natural Resources of the State of Maryland shall be from payments received from the Owners pursuant to the Loan Agreement described in Exhibit B; however, in the event such payments by the Owners to the County are not made or are insufficient to pay the amount due by the County to the Department of Natural Resources of the State of Maryland, it is hereby levied, and there shall hereafter be levied in each fiscal year that such indebtedness is outstanding, *ad valorem* taxes on real and tangible personal property and intangible property subject to taxation by the County without limitation on rate or amount; and, in addition, upon such other intangible property as may be subject to taxation by the County within limitations as prescribed by law; and the full faith and credit and unlimited taxing of the County are hereby irrevocably pledged to the punctual payment of the principal on such indebtedness. The County, by the passage of this Bill hereby covenants and agrees, properly and promptly, to perform all respective acts and duties described in this Bill for the levy and collection of the aforesaid *ad valorem* tax, upon all assessable property within the corporate limits of the County as the levy and collection of such tax becomes necessary in order to meet the debt service requirements of the Loan Agreement described in Exhibit A between the County and the Department of Natural Resources of the State of Maryland.

SECTION 6. Be it further enacted by the County Council of Harford County, Maryland that the provisions of this Bill are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Bill or their

1 application to other persons or circumstances. It is hereby declared to be the legislative intent
2 that this Bill would have been passed if such illegal, invalid or unconstitutional provision,
3 sentence, clause, section or part had not been included herein, as if the person or circumstances to
4 which this Bill or any part hereof are inapplicable had been specifically exempted therefrom.

5 SECTION 7. And be it further enacted by the County Council of Harford County,
6 Maryland that this Bill shall take effect sixty (60) calendar days from the date it became law.

7 EFFECTIVE:

The Council Administrator of the Council does hereby
certify that fifteen (15) copies of this Bill are immediately
available for distribution to the public and the press.

Council Administrator

WITHDRAWN